IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

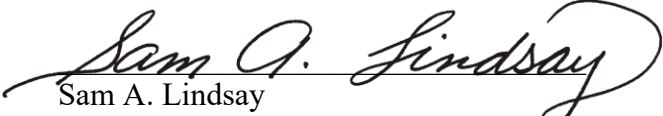|		
ATUL NANDA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. **3:20-CV-218-L**
	§	
PAUL YANDERWTICH et al.,	§	
	§	
Defendants.	§	

ORDER

On March 26, 2020, United States Magistrate Judge Rebecca Rutherford entered the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report"), recommending that the action against Defendants Paul Yanowitch, Brandon Christopher Jaroch, Chad E. Meachum, Cynthia Dawn Goodman, Daniel Gividen, Joseph Andrew Magliolo, Melissa Childs, and Suzanna O. Etessam ("Defendants") be dismissed with prejudice pursuant to 28 U.S.C. § 1915A and *Heck v Humphrey*, 512 U.S. 477 (1994). No objections were filed to the Report.

Having reviewed the pleadings, file, record in this case, and the Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses with prejudice** this action pursuant to 28 U.S.C. § 1915A and *Heck v Humphrey*, 512 U.S. 477 (1994).

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the magistrate judge's Report, the court concludes that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this

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certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of

the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App.

P. 24(a)(5).

 It is so ordered this 20th day of April, 2020.

Sam A. Lindsay
United States District Judge